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EXAMINER

HASSAN, AURANGZEB

ART UNIT PAPER NUMBER

2182

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/689,877 | Applicant(s) MACRI, DEAN P. | |
| | Examiner Aurangzeb Hassan | Art Unit 2182 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21 - 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Vistar Telecommunications Inc. Zuliani et al. (WO 97/65432 hereinafter "Zuliani", sited as prior art 4/20/2005).

3. Referring to claim 21, Zuliani discloses a media adapter comprising:

a wireless (element 2 of figure 1) communication interface (elements 8 to 9 of figure 1) to receive video data from a remote program (element 4 of figure 1);

a wired (element 7 of figure 1) communication interface (elements 9 to 10 of figure 1) to send control data to the remote program (element 4 of figure 1);

a display interface (element 10 of figure 1) to direct the video data to a display device (element 11 of figure 1);

an input interface (elements 10 and 12 of figure 1) to receive the control data for the remote program (element 4 of figure 1) from a controller (element 12 of figure 1); and

a processor (set top controller element 63 of fig 3 and in detail figure 4) arranged to direct the video data to the display interface and to direct the control data to the wired communication interface.

Zuliani sites the operation of TX/RX unit to fully encompass utility of a wireless communication from Ku Broadcast satellite and wired communication containing control data through the set-top box. The examiner notes Zuliani as teaching an adapter upon which it has interfaces with the set-top box for wired communication and with a satellite for wireless. Display interface is expressed in terms of a TV and an input device is the combination of the set-top box in conjunction with the universal remote. The system encompasses all the limitations set forth in the claim.

5. Referring to media adapter claim 23, Zuliani describes decoding the video information before the directing. (Elements 54, 57, and 58 of figure 3, para 1 of page 7)

Zuliani expresses various decoders that would equate to a subset of the decoding process expressed in claim 23: an FEC decoder, and MPEG video and audio decoders.

6. Zuliani describes referring to media adapter claim 24, wherein processor is further arranged to encode (element 71 Encoder) the control data before directing it to the wired communication interface (paragraphs 3 & 4 of page 7).

7. Zuliani describes referring to media adapter claim 25, wherein the first communication link includes a wireless link, and wherein the second communication link includes a wired link that operates over alternate current-carrying lines (element 7 of figure 1).

Zuliani's teaching of a wired link that is interpreted by the examiner as having alternate current-carrying capacity is accordingly rejected by the reference's teachings.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zuliani in view of Jones et al. (US Patent Number 5,018,197 hereinafter "Jones").

10. Referring to method claim 1, an apparatus claim 8, machine readable medium claim 16, and media adapter claim 21, Zuliani discloses a method, system and media adapter comprising:

receiving video information from a remote program (from hub, element 4 of figure 1) over a first communication link (element 1 of figure 1, para 3 of page 1, and para 7 of page 4)

directing the video information to a display device (TV, element 11 of figure 1); (para 4 of page 1, thru para 3 of page 2)

receiving input information from an input device (elements 10 and 12 of figure 1); and (para 2 thru 4 of page 7)

sending the input information to the remote program over a second communication link that is different than the first communication link. (Para 7 of page 4, thru para 3 of page 5)

Zuliani sites the operation of TX/RX unit to fully encompass utility of a wireless communication from Ku Broadcast satellite and wired communication containing control data through the set-top box. The examiner notes Zuliani as teaching an adapter upon which it has interfaces with the set-top box for wired communication and with a satellite for wireless. Display interface is expressed in terms of a TV and an input device is the combination of the set-top box in conjunction with the universal remote. The system encompasses all the limitations set forth in the claim.

Zuliani fails to teach the said first and second communication links to be bidirectional.

Jones teaches the above limitations in an analogous apparatus having simultaneous storing of a subscriber unit address and decryption key over a cable. In order to have such an apparatus (column 1, lines 37 - 47), Jones teaches a bidirectional communication link for packet data and video data transferred in encrypted form from the subscriber unit to the decoder. (element 14, bidirectional communication link, see column 2, lines 10 - 19).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the apparatus of Zuliani with the above teachings of Jones. One of ordinary skill in the art would have been motivated to make a well known modification of bidirectional functionality in order to maintain a high security video decoder system integrated as suggested by Jones (column 1, lines 36 - 64).

10. In reference to variations between a "communication link" and a "communication interface", examiner notes and defines them to be interpreted as separate but equivalent in concept as they are complementary items. A communication link is the channel that carries information where as the communication interface sends and receives said signal. Video when sent over a communication link can be classified as output or input data and relatively high in bandwidth. Examiner henceforth will take video information, output data and high bandwidth information to represent the same information in the scope of this application.

11. As references cited by the examiner in rejection of certain claims are a specific form output device and display device will be understood by the examiner to represent an equivalent device when interpreting claims

12. Although claims 1, 8, and 16 have been drafted as separate independent claims, they appear to relate effectively to the same subject matter and to differentiate from each other only with regard to the definition of the subject matter for which protection is sought and in respect of the terminology used for the features of that subject matter. The aforementioned claims therefore lack conciseness.

13. Referring to method claim 2 and machine readable medium claim 17 Zuliani describes decoding the video information before the directing. (Elements 54, 57, and 58 of figure 3, para 1 of page 7)

Zuliani expresses various decoders that would equate to a subset of the decoding process expressed in claim 2: an FEC decoder, and MPEG video and audio decoders.

14. Zuliani describes referring to method claim 3 wherein the sending input information over a second communication link is performed concurrently with the receiving video information over a first communication link. (Para 1 - 2 of page 2)

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15. Zuliani describes referring to method claims 4 and 5, and machine readable medium claim 18:

wherein the first communication link has a higher associated bandwidth than the second communication link. (Para 1 of page 2)

wherein the second communication link has a lower associated latency than the first communication link. (para 2-4 of page 2)

16. Zuliani describes referring to method claim 6, apparatus claims 9 thru 14, and machine readable medium claim 20 wherein the first communication link includes a wireless link, and wherein the second communication link includes a wired link that operates over alternate current-carrying lines.

17. Zuliani's teaching of a wired link that is interpreted by the examiner as having alternate current-carrying capacity is accordingly rejected by the reference's teachings.

18. Zuliani describes referring to method claim 7, apparatus claim 15, and machine readable medium claim 19, wherein the remote program includes a video game or video display

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application executed on a remote computing device. (Para 7 of page 4)

19. Examiner interprets Zuliani's teaching on various video and infotainment services to align with the video game genre and thus require a means to control such games with a controller such as a universal remote.

Response to Arguments

20. Applicant's arguments with respect to claims 1 - 20 have been considered but are moot in view of the new ground(s) of rejection.

21. Applicant's arguments filed 10/05/2005 with respect to claims 21 - 25 have been fully considered but they are not persuasive. The original rejection consisting of the original Zuliani reference holds to anticipate the unamended claims and stand with respect to the applicant's arguments.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aurangzeb Hassan whose telephone number is (571)272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571)272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AH
12/29/2005



KIM HUYNH
SUPERVISORY PATENT EXAMINER

1/6/06